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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Mark D. Smith

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03/14/2005

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EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/821,917	SMITH ET AL.	
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11, 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1> Applicant's amendment has been received. Claims 2 and 12 have been cancelled.

Claims 1, 3-11 and 13-20 are now presented for examination.

Response to Arguments

2> Applicant's arguments filed 11.5.2004 have been fully considered but they are not persuasive.

Applicant amended the claims by: (a) adding the limitation that a processor is functionally distinct from the web browser and (b) incorporating the limitations from claim 2 into claim 1 to overcome the prior art reference of Weinberg, and specifically, argued that Weinberg does not disclose the functionality of allowing the user to edit transactions through the browser (only through the user interface of the testing tool). Examiner believes that the amendments do not entirely convey the merits of the present invention argued by Applicant. Therefore, the amendments do not overcome the teachings of Weinberg.

With regard to (a), Weinberg discloses utilizing a web browser and processor as claimed. First, the figure and sections cited by Applicant simply reference one embodiment of Weinberg's invention; Weinberg also discloses a user interface, as part of the testing tool, and a front-end as part of a transactional server [Figure 6(c)]. The interpretation for this embodiment of Weinberg is that the front-end is analogous to the processor, and the user interface (or a web browser incorporated into the testing tool) is analogous to the web browser [column 8 «lines 48-53»]. These two components are functionally distinct from one another as can be seen in the figure, as well as described in [column 22 «lines 38-52»]. The

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purpose of the front end is to coordinate the browser by transferring web pages and objects that allow the browser to generate a node tree to edit the transactions [column 21 «lines 38-56»]. Therefore, it can be seen that the front end of the transactional server achieves the same functionality of the claimed processor. There is no need for cookies as well, since the front end transmits any required information to the web browser of the testing tool as needed.

With regard to (b), as mentioned previously, the front end transmits information to the web browser that allow the web browser to generate nodes of a tree. This tree structure allows the user to edit and create test cases based on the transactions. As stated by Applicant in his remarks, the user interface edits the tree. Since it has already been established that the user interface is implemented as a web browser, it can be seen that the user in Weinberg's system is allowed to edit the transaction through his web browser. Furthermore, Weinberg teaches all of the limitations of claim 2. In a web-based implementation, as the only interaction that the user has with the testing system is through the web browser, the user must utilize the web browser to interact with the functions of the testing system (record, play, edit) [Figure 6(c) | column 8 «lines 48-61» | column 21 «lines 3-50»].

3> Examiner would also like to note that Applicant may be mistaken regarding his claim that the present application can claim the priority date of provisional application 60/200295. A history of the present application shows that Applicant has failed to claim priority for the present application to that particular provisional application. Applications 09/825,403 and 09/822,124 are the only applications that claim priority to that particular provisional.

Claim Rejections - 35 USC § 103

4> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5> Claims 1-20 are rejected under 35 U.S.C 103(a) as being unpatentable over Weinberg et al ("Weinberg"), in view of U.S Patent No. 6,360,332 in view of Gerace, U.S Patent No. 5,848,396.

6> As to claim 1, Weinberg discloses a software product for a computer system to configure a transaction for a user operating a web browser wherein the transaction is used for automated testing of an Internet server system (abstract), the software product comprising:
transaction configuration instructions configured to direct a processor functionally distinct from the web browser to generate and transfer Hypertext Markup Language (HTML) pages without cookies to the web browser and to configure the transaction for automated testing of the Internet server system in response to user inputs to the HTML pages (Figure 6(c), items 602 and 620 and column 2, lines 26-64 and column 22, lines 38-52), wherein the HTML pages include a transaction selection page (column 2, lines 44-46), a transaction record page (column 2, lines 37-40), a transaction edit page (column 2, lines 57-64), and a transaction play page (column 2, lines 35-39);

page transition instructions configured to direct the processor to transition between the pages in response to the user inputs and to constrain the transition between the pages based on transition state rules (Figure 1, column 5, lines 22-51; the user is constrained to go from the record page to the verify page to the edit transaction page);

a storage media configured to store the page transition instructions and the transaction configuration instructions (column 22, lines 15-19); and

the transaction record page allows the user to use the web browser to initiate a recording of web browser activity to generate the transaction (column 2, lines 60-61, column 8, lines 48-53, and column 9, lines 9-11);

the transaction edit page allows the user to use the web browser to edit the transaction generated using the transaction record page (column 2, lines 46-56 and 62-64, column 8, lines 48-53 and column 21, lines 51-59); and

the transaction play page allows the user to use the web browser to view results of an automated test using the transaction generated using the transaction record page and edited using the transaction edit page (column 2, lines 35-40,).

Weinberg does disclose a user logon page (column 8, lines 24-26) but does explicitly show that the page is an HTML page.

7> Gerace teaches the use of a HTML user login page as a means to verify users' identity before they access or select their transactions (column 15, lines 48-61). Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Weinberg by including a user login page because Weinberg suggests the use

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of a logon page to track users across multiple servers (column 8, lines 24-26). One of ordinary skill in the art would have been motivated to modify Weinberg by including Mohan's user login page because doing so would allow Weinberg to display useful graphical and text documents to the user and to associate user actions with the appropriate user account (column 2, lines 3-15).

8> As to claim 3, Weinberg discloses the software product wherein the transaction selection page identifies the transaction, a transaction step and a Uniform Resource Locator for the transaction step (column 6, lines 1-14 and column 9, lines 25-50).

9> As to claim 4, Weinberg discloses the software product wherein the transaction record page identifies the transaction, the transaction step, and the Uniform Resource Locator for the transaction step, and displays the web page of the Uniform Resource Locator (column 16, line 54 to column 17, line 1, and lines 28-34).

10> As to claim 5, Weinberg discloses the software product wherein the transaction edit page identifies the transaction, the transaction steps, the Uniform Resource Locator for each of the transaction steps, and test conditions for each of the Uniform Resource Locators (column 16, lines 54 to column 17, line 1, lines 28-34 and column 18, lines 39-51; where the transaction record page in Weinberg is also the transaction edit page).

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11> As to claim 6, Weinberg discloses the software product wherein the play page identifies the transaction, the transaction steps, and test results for each of the transaction steps (column 2, lines 35-40 and column 3, lines 30-43).

12> As to claim 7, Weinberg discloses the software product wherein the transaction is a purchase from the Internet server system (column 5, lines 7-10).

13> As to claim 8, Weinberg discloses the software product wherein the transition state rules constrain the transition between the pages to transition from the transition selection page to a transition record page in response to a selection page record request, transition from the transition record page to the transaction edit page in response to a record page stop request, transition from the transaction edit page to the transaction play page in response to an edit page play request, and transition from the transaction play page to the transaction edit page in response to a play page stop request (Figure 1 and column 2, lines 23-39 and column 2, lines 57-64; transaction, record step, verification/edit step, "play back" step and ability to run multiple iterations after the play back is complete with other sets of data).

14> As to claim 9, Weinberg discloses the software product wherein the transition state rules constrain transition from the transition selection page to the transaction edit page in response to a selection page edit request (Figure 6A, items 602 and 606; run configuration edits the transaction testing parameters).

Weinberg does not explicitly show the product with a user login page, or to transition

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from the user login page to the transaction selection page in response to an authorized login.

15> Gerace teaches a software product wherein the transition state rules constrain the transition between the pages to start at the user login page and transition from the user login page to the transaction selection page in response to an authorized login (column 14, lines 45-61 and column 15, lines 50-65; where the user actions are equivalent to the transaction selection page). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the state transition rules to start at the user login page and to transition to the transaction selection page to allow the product to initialize tracking of user transactions upon logging into the system (column 5, lines 1-5).

16> As to claim 10, Weinberg discloses the software product wherein the transition state rules constrain the transition between the pages to transition from the transaction selection page to a transaction play page in response to a selection page play request (Figure 6C, items 602 and 614 and column 21, lines 15-20), transition from the transaction edit page to the transaction record page in response to an edit page record request (column 2, lines 30-32 and column 5, lines 26-31), transition from the transaction edit page to the transaction selection page in response to an edit page stop request (Figure 1, items 104 and 108; each time the user stops editing, the user is sent back to start with the new business process), and transition from the transaction play page to the transaction selection page in response to the play page stop request (column 21, lines 10-29; where the user editing the data files is equivalent to the

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transaction selection page) and the transition from the transaction selection page to the transaction play page (Figure 6c, items 602 and 614 and column 21, lines 15-20).

Weinberg does not explicitly show a software product with a transition from the transition selection page to the user login page in response to a selection page stop request.

17> Gerace discloses a software product with a transition from a transition selection page to the user login page (column 13, lines 50-54 and column 14, lines 17-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Gerace's transition rules to send the user to a login page to allow existing users to sign into their account and access their saved transactions.

18> As to claim 11, Weinberg discloses a method of operating a computer system to configure a transaction for a user operating a web browser wherein the transaction is used for automated testing of an Internet server system (abstract), the method comprising:

generating Hypertext Markup Language (HTML) pages including a transaction selection page, a transaction record page, a transaction edit page, and a transaction play page (column 2, lines 26-64) ;

transferring the HTML pages to the web browser without transferring cookies and constraining transitions between the HTML pages that are transferred based on transition state rules (Figure 1, column 2, lines 26-30, column 17, lines 28-34; where web-based implementation and pages are equivalent to HTML pages);

receiving the user inputs to the HTML pages and configuring the transaction for automated testing of the Internet server system in response to the user inputs (column 2, lines 41-64); and

wherein generating the Hypertext Markup Language (HTML) pages further comprises the following steps performed by a processor functionally distinct from the web browser [Figure 6(c) «items 602 and 620»]:

initiating a recording of web browser activity to generate the transaction in response to the user input through the web browser to the transaction record page [column 21 «lines 38-50»];

editing the transaction generated using the transaction record page in response to the user input through the web browser to the transaction edit page [column 11 «lines 12-26» | column 21 «lines 51-59» where: Weinberg's user interface is analogous to a web browser]; and

on the transaction play page, displaying results of an automated test using the transaction generated using the transaction record page and edited using the transaction edit page [column 24 «lines 30-38»].

Weinberg does disclose a user logon page (column 8, lines 24-26) but does explicitly show that the page is an HTML page.

19> Gerace teaches the use of a HTML user login page as a means to verify users' identity before they access or select their transactions (column 15, lines 48-61). Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was

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made to modify Weinberg by including a user login page because Weinberg suggests the use of a logon page to track users across multiple servers (column 8, lines 24-26). One of ordinary skill in the art would have been motivated to modify Weinberg by including Mohan's user login page because doing so would allow Weinberg to display useful graphical and text documents to the user and to associate user actions with the appropriate user account (column 2, lines 3-15).

20> Claim 13 is a method that claims the step performed by the software product of claim 3. Therefore, claim 13 is rejected for the same reasons as set forth for claim 3, supra.

21> Claim 14 is a method that claims the step performed by the software product of claim 4. Therefore, claim 14 is rejected for the same reasons as set forth for claim 4, supra.

22> Claim 15 is a method that claims the steps performed by the software product of claim 5. Therefore, claim 12 is rejected for the same reasons as set forth for claim 5, supra.

23> Claim 16 is a method that claims the steps performed by the software product of claim 6. Therefore, claim 16 is rejected for the same reasons as set forth for claim 6, supra.

24> Claim 17 is a method that claims the steps performed by the software product of claim 7. Therefore, claim 17 is rejected for the same reasons as set forth for claim 7, supra.

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25> Claim 18 is a method that claims the steps performed by the software product of claim 8. Therefore, claim 18 is rejected for the same reasons as set forth for claim 8, supra.

26> Claim 19 is a method that claims the steps performed by the software product of claim 9. Therefore, claim 19 is rejected for the same reasons as set forth for claim 9, supra.

27> Claim 20 is a method that claims the steps performed by the software product of claim 10. Therefore, claim 20 is rejected for the same reasons as set forth for claim 10, supra.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942.

The examiner can normally be reached on 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC

A handwritten signature in black ink, appearing to read 'Dung C. Dinh', with a long, sweeping horizontal stroke extending to the right.

Dung C. Dinh
Primary Examiner